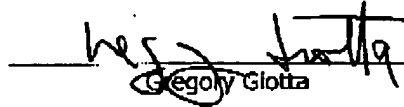


**CERTIFICATE OF FACSIMILE TRANSMITTAL**Facsimile Number (703) 872-9306Date of Transmission 10<sup>th</sup> October 2004

I hereby certify that this correspondence (and all other documents mentioned therein) is being transmitted by facsimile to the Mail Stop - Office of Petitions, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, to the above facsimile number on the above-date

  
Gregory Glotta

DOCKET ONYX1047-DIV

**RECEIVED**  
**CENTRAL FAX CENTER**  
**OCT 07 2004**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application

Yuqiao Shen et al

SC/Serial No.: 10/669,768

Filed: September 24, 2003

Title: Adenovirus E1B-55K Single Amino  
Acid Mutants and Methods of Use**PATENT APPLICATION**

Art Unit 1614

Examiner: Unassigned

Confirmation No. 8135

**REQUEST FOR RECONSIDERATION TO DISMISSAL OF PETITION**

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Decision Dismissing Petition, Applicants through their Attorney of Record requests reconsideration of the Dismissal of the Petition.

Applicants filed the above-identified divisional application on September 24, 2003. The instant application is a divisional application of U.S. Application Serial No. 09/918,696, filed July 30, 2001, now Patent No. 6,635,244, which claims priority from U.S. Provisional Application no. 60/222,887 filed August 3, 2000.

As noted in the Application Transmittal for a Divisional Patent Application under 37 CFR § 1.53(b) dated September 24, 2004, Applicants provided the United States Patent and Trademark Office with the following documents.

**BEST AVAILABLE COPY**

Atty Docket ONYX1047-DIV  
Serial No. 10/669,768  
Request to Reconsider Dismissal of Petition  
Page 2 of 2

- ☒ copy of the original application (09/918,696, now US Patent No. 6,635,244). – as filed consisting of 24 pages of specification, 2 pages of claims (19 claims), 6 sheets of drawings and 14 pages of sequence listings
- ☒ copy of the original Oath and Declaration
- ☒ copy of the original Assignment along with the Application Transmittal letter
- ☒ completed return receipt postcard attesting to the documents being provided to the USPTO, which was later stamped by the USPTO and returned to Applicants' Attorney of Record acknowledging receipt of all the items sent to the USPTO on September 24, 2003..

In requesting the Office to Reconsider this request, Applicants hereby submit six (6) sheets of drawings originally filed with the application.

Applicants through their Attorney of Record respectfully request the Examiner to reconsider the Petition and that the instant patent application be accorded a filing date of September 24, 2003.

The Commissioner is hereby authorized to charge any fees associated with this Request to Deposit Account No. 15-0615.

Respectfully submitted,

Dated: October 10, 2004

By: Gregory Clotta  
Gregory Clotta  
Reg. No. 32,028

ONYX Pharmaceuticals, Inc.  
3031 Research Drive  
Richmond, California 94806  
Telephone (510) 222-9700

Attachments